

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION NO : 1830 of 2005**

Between:

Sri Balivada Appa Rao, S/o.Late Jogulu,  
Vasant Vihar Complex, Vizianagaram.

**..... PETITIONER**

AND

- 1 The Commissioner, Vizianagaram Municipality, Vizianagaram.
- 2 The Municipal Council, rep.by its Chairman, Vizianagaram.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, directing the Respondent authorities to issue notification for the granting lease by way of public auction of the open land in T.S.No.681/682 to an extent of 1108 sq.mts., situated at Municipal Travelers, Bungalow, Vizianagaram, as per the provisions stipulated under the A.P. Municipalities Act, and issue consequential directions directing the respondent authorities not to allot the open land in T.S.No.681/682 to any person without following the provisions of the Municipalities Receipt & Expenditure Rules 1968 and pass such other order or orders as may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI**

**Counsel for the Respondents: MR.S.NAGESWARA REDDY**

**The Court at the admission stage made the following:**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

It is not in dispute that the request of the petitioner for grant of lease for establishing a retail petrol outlet in an open land situated in T.S.No.681/682 of Vizianagaram Municipality was rejected by the Municipal Council, Vizianagaram by resolution dated 10.01.2005. However, the petitioner apprehends that at the instance of local political leaders, the second respondent is likely to allot the said land in favour of third parties without following the procedure as contemplated under the statutory rules. Hence, this writ petition seeking a writ of Mandamus restraining the respondents from allotting the land to any third parties without following due process of law.

When the matter is taken up for consideration, the learned Standing Counsel appearing for the respondents under instructions states that though there was a proposal to lease out the land in question for the purpose of establishing a retail petrol outlet, subsequently the proposal has been dropped.

Be that as it may, since Rule 12 of the Andhra Pradesh Municipalities (Regulation of Receipts and Expenditure) Rules, 1968

made under the Andhra Pradesh Municipalities Act, 1965 provides that all sales or the leases of the buildings or the terraces of buildings, shops or godowns, and of land belonging to the Municipal Council, the rents of which are expected to exceed Rs.200/- per annum, shall be effected by public auction which shall be conducted by the Commissioner or by person duly authorized by him, the writ petition is disposed of making it clear that as and when the second respondent proposes to lease out the land in question, the same shall be done strictly adhering to the procedure prescribed under the statutory rules. No costs.

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07.02.2005

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To

- 1 The Commissioner, Vizianagaram Municipality, Vizianagaram.
- 2 The Chairman, Municipal Council, Vizianagaram.

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